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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/085,053 | 03/01/2002 | Yasuyuki Hashimoto | ED-US010068 | 8159 |

22919 7590 02/06/2004

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| EXAMINER |
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WILLIAMS, ERIC M

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| ART UNIT | PAPER NUMBER |
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3681

DATE MAILED: 02/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,053

Applicant(s)

HASHIMOTO ET AL.

Examiner

Eric M Williams

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7, 8, 11-14, 17, 18 and 21-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 8, 11-14, 17, 18 and 21-30 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the papers filed 12/02/2003 for serial number 10/085,053.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7, 8, 11-14, 17, 18, 22- 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto Pub-No. JP 2000035053A in view of Cooke et al. '972. To facilitate a better understanding as well as provide a greater accuracy in explaining the following rejection with respect to claims 22-29, the Examiner will refer to the English equivalent Hashimoto '575.

Regarding claims 1-4, 7 and 8, Hashimoto discloses a damper mechanism comprising first (2) and second rotary members (3), a damper section (8), a friction mechanism (11, 72, 73) having a friction rotary member (11) being configured to contact the second and intermediate rotary members (Fig. 10 shows the circuit diagram that shows the friction rotary member contacting the second and intermediate members), a friction suppressing mechanism (62,63,69) having two members aligned in the rotational direction comprising direction comprising a first plate like member (6) with a hole (69), and a second member (62) within the hole.

Regarding claims 11-14, 17, 18, 21 and 30, Hashimoto discloses a clutch disk assembly comprising input (2) and output rotary members (3), a damper mechanism having a spring member (8) and a torsion characteristic having a positive side, a negative side a first stage a second stage, and an intermediate rotary member (6), a friction mechanism (11, 72, 73), a friction suppressing mechanism (62,63,69) having two members aligned in the rotational direction with the intermediate member having a first plate like member (6) with a hole (69), and the friction rotary member having a second member (62) within the hole, and a secondary elastic member (7).

Hashimoto lacks any specific disclosure of an elastic member. Cooke discloses an elastic cushioning member Fig. 17 (413) configured to soften the impact between a members that contact each other at an end of a prescribed angular range (Abstract and column 6 lines 1-16). It would have been obvious to one of ordinary skill in the art at the time of this invention to modify the friction suppressing mechanism of Cooke such that is has an elastic member, in view of Cooke, to soften the impact between the members that contact each other to further reduce vibrations.

Re claims 22-29, the aperture is elliptical and circular in shape, (the aperture can be broadly interpreted as having an elliptical shaped potion as well as a circular shaped portion), the apertures overlap (the apertures are on both sides of 6 thus they overlap), and the first elliptical aperture is larger than the second (the different sizes are described in Hashimoto, column 14 lines 20-29).

Response to Arguments

5. Applicant's arguments with respect to the above claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M Williams whose telephone number is 703-305-0607. The examiner can normally be reached on Mon. - Fri. from 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A Marmor can be reached on 703-308-0830.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

EMW



Charles A Marmor 2/4/04
CHARLES A. MARMOR
SUPERVISORY PATENT EXAMINER
ART UNIT 3681